

REMARKS

Claims 1 and 4-22 are pending in this application. Claims 1, 11 and 19 have been amended. No new matter has been introduced. The amendment to claim 19 also obviates the 35 U.S.C. §112, second paragraph, rejection of this claim.

Claims 1, 4-12 and 14-18 are rejected under 35 U.S.C. §102(b) as being anticipated by Modesitt et al. (U.S. Patent No. 6,136,010) ("Modesitt"). This rejection is respectfully traversed.

The claimed invention relates to a suture storing device and method of dispensing suture. Amended independent claim 1 recites a "suture storing device" comprising "an elongated shaft having a longitudinal axis, a proximal end and a distal end" and "a handle provided at the proximal end." Amended independent claim 1 also recites "a cavity within the handle for storing at least one strand of suture, wherein the cavity is provided with a hatch, the hatch having a tie-down bar attached to its inside and integral to the hatch." Amended independent claim 1 further recites that the hatch is "configured to pivot, together with the tie-down bar on its inside, relative to the longitudinal axis of the elongated shaft."

Amended independent claim 11 recites a "device for housing sutures attached to surgical needles" comprising "an elongated shaft having a longitudinal axis, a proximal end and a distal end" and "a handle provided at the proximal end." Amended independent claim 11 also recites "a cavity within the handle for storing at least one strand of suture provided with at least one surgical needle, the cavity being provided with a pivotable hatch, the pivotable hatch having a tie-down bar attached on its inside and integral to the hatch, the pivotable hatch being configured to pivot, together with the tie-

down bar on its inside, relative to the longitudinal axis of the elongated shaft, wherein the tie-down bar is further provided with a slot for storing the at least one surgical needle."

Modesitt relates to "systems, and methods for suturing of body lumens" that "allow the suturing of vascular puncture sites located at the distal end of a percutaneous tissue tract." (Abstract). Modesitt teaches "[A]n elongated articulated foot near a distal end of a shaft is inserted through the penetration and actuated so that the foot extends along the luminal axis." (Abstract). According to Modesitt, "[T]he foot carries suturing attachment cuffs, and needles are advanced from the shaft through the vessel wall outside of the penetration and into engagement with the needle cuffs after the foot has been drawn proximally up against the endothelial surface of the blood vessel." (Abstract).

Modesitt does not anticipate the subject matter of claims 1, 4-12 and 14-18. Modesitt does not disclose, teach or suggest a "suture storing device" having a handle and a "cavity within the handle," as amended independent claim 1 recites. Foot 24 of the vessel closure device 10 of Modesitt (which would arguably correspond to the "hatch" of the claimed invention) is located "near the distal end of shaft 12" (col. 6, ll. 34-35), and not "within the handle," as in the claimed invention.

Modesitt also fails to disclose, teach or suggest a "hatch . . . having a tie-down bar attached to its inside and integral to the hatch" to allow suture and needles to be wrapped around the tie-down bar, as in the claimed invention. Modesitt teaches only foot 24 which has a particular configuration, for carrying suturing attachment cuffs and needles. Foot 24 of Modesitt is not, however, a "hatch" as defined in Merriam-Webster Collegiate Dictionary, 10th Ed. (i.e., "an opening in the deck of a ship or in the floor or roof of a building") and as known to those skilled in the art, much less a hatch with a tie-down

bar. For at least these reasons, Modesitt fails to anticipate the subject matter of claims 1, 4-12 and 14-18, and withdrawal of the rejection of these claims is respectfully requested.

Claims 1, 11, 13 and 19-22 are rejected under 35 U.S.C. §102(e) as being anticipated by Keane (U.S. Patent Publ. No. 2003/0204195). This rejection is respectfully traversed.

Amended independent claim 19 recites a "method of dispensing a surgical suture" by *inter alia* "providing a suture housing device comprising . . . a handle provided at the proximal end; and a cavity within the handle for storing at least one strand of suture, the cavity being provided with a pivotable hatch, the pivotable hatch having a tie-down bar attached on its inside and integral with the hatch, the pivotable hatch being configured to pivot, together with the tie-down bar on its inside, relative to the longitudinal axis of the shaft, the pivotable hatch being integral with the handle when the pivotable hatch is in a closed position, and wherein the surgical suture is coiled around the tie-down bar." Amended independent claim 19 also recites "actuating the pivotable hatch so that the pivotable hatch forms an angle with respect to the longitudinal axis of the elongated shaft" and "deploying the surgical suture from around the tie-down bar."

Keane relates to "[D]evices for dispensing suture threads and/or suture threads with needles attached to them that are particularly useful for inserting surgical implants, such as suture anchors, that make use of sutures." (Abstract). According to Keane, the devices use "a novel spool design to safely and neatly hold the suture thread and/or needles until the surgeon wishes to dispense them." (Abstract).

Keane fails to disclose, teach or suggest all limitations of claims 1, 11, 13 and 19-22. Keane does not disclose, teach or suggest "a cavity . . . provided with a hatch attached to the handle," much less "a cavity . . . provided with a hatch attached to the handle, the hatch having a tie-down bar attached on its inside and integral to the hatch" and "configured to pivot, together with the tie-down bar on its inside, relative to the longitudinal axis of the elongated shaft," as in the claimed invention.

Keane teaches a spool system wherein "spool 1 is a cylinder shaped member, which is capable of rotating around a central axis 5" and wherein "spool 1 has several grooves 2 encircling its surface, for receiving suture thread." (¶[0023]). Keane also teaches that "[t]here preferably is a separate groove 2 for each end of the suture thread being dispensed" so that "for a spool that dispenses two separate suture threads, there are preferably four grooves 2 for receiving the ends of each of the two suture threads." (¶[0023]). Keane is silent, however, about "a cavity . . . provided with a hatch attached to the handle," or about "a cavity . . . provided with a hatch attached to the handle, the hatch having a tie-down bar attached on its inside and integral to the hatch," much less a hatch "configured to pivot, together with the tie-down bar on its inside, relative to the longitudinal axis of the elongated shaft," as in the claimed invention. Keane teaches a novel spool system (spool 1 that rotates around a central axis and has several grooves for receiving suture thread) which is not a hatch, much less a hatch attached to a handle and further with the characteristics of amended independent claim 1.

Keane also does not disclose, teach or suggest all method steps of amended independent claim 19. Keane is silent about "providing a suture housing device comprising . . . a cavity . . . provided with a pivotable hatch . . . having a tie-down bar attached to its inside and integral to the hatch," so that "the surgical suture is coiled

around the tie-down bar,” as in the claimed invention. Keane is also silent about “actuating the pivotable hatch so that the pivotable hatch, together with the tie-down bar attached to its inside, forms an angle with respect to the longitudinal axis of the elongated shaft” and “deploying the surgical suture from around the tie-down bar.”

In the March 28, 2007 Office Action, the Examiner asserts that “Keane et al. disclose . . . a hatch (11) having a tie-down bar (1) attached to its inside (for example, see Figure 7).” (Office Action at 4). This assertion is unsupported. First, spool 1 of Keane is not a “bar” or a “tie-down bar” but rather a spool that is provided with grooves to retain suture. Second, spool 1 of Keane is not “configured to pivot . . . relative to the longitudinal axis of the elongated shaft,” as in the claimed invention. Keane does not disclose, teach or suggest any pivoting motion for the spool 1. Third, Keane does not disclose, teach or suggest a hatch having “a tie-down bar attached on its inside and integral to the hatch,” as in the claimed invention. Door portion 11 and spool 1 of Keane are not “attached” to each other and spool 1 of Keane is certainly not “integral to” element 11. For at least these reasons, Keane does not anticipate the subject matter of claims 1, 11, 13 and 19-22, and withdrawal of the rejection of these claims is respectfully requested.

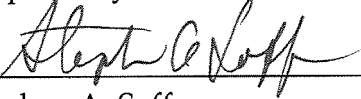
Application No. 10/679,265
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Allowance of all pending claims is solicited.

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